



Press statement
1 December 2022

Phala Phala report sets important precedent around strengthening democratic processes

Defend our Democracy welcomes the Report of the Section 89 Independent Panel on the events surrounding the burglary that took place at President Cyril Ramaphosa's Phala Phala farm in February 2020.

The panel, headed by retired Chief Justice, Sandile Ngcobo, handed over the report to the Speaker of the National Assembly on Wednesday, 30 November 2022.

The report finds that the information before it discloses sufficient evidence that the President may have violated a section of the Prevention and Combatting of Corrupt Activities Act (PRECCA), and may have committed serious misconduct by “exposing himself to a situation involving a conflict between his official responsibilities and his private business”.

This is an important step in ensuring democratic accountability for a person in high office. We welcome the institutionalising of all processes which act to strengthen South Africa's constitutional democracy, including an impeachment process. This process is triggered by a Section 89 motion, which means that it requires an objective preliminary assessment of whether a President has committed a serious violation of the law; serious misconduct; or suffers from inability to perform the functions of office.

In 2017, the Constitutional Court found that Parliament had failed to exercise sufficient oversight over the President by not having in place mechanisms to hold former President Jacob Zuma accountable over, inter alia, the upgrades at his Nkandla home. Parliament subsequently put in place rules for an impeachment process, which are now being followed.

The panel that has conducted the preliminary enquiry into whether sufficient evidence exists for an impeachment against President Ramaphosa, and the process that unfolds in Parliament thereafter – irrespective of its outcomes - sets an important precedent for our fledgling democracy. These processes are significant in terms of strengthening democracy and democratic processes, and foregrounds issues of transparency and accountability of the President.

As the matter unfolds over the next few days – in Parliament, within the governing party and the political terrain, and in the court of public opinion – Defend our Democracy reiterates the need for political stability, clean governance, and sober-minded decision making and leadership, that always puts the interests of the country first.



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